UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,599	09/25/2001	Scott C. Harris	RANDOM-Spam	5191

23844   7590   12/05/2003

SCOTT C HARRIS
P O BOX 927649
SAN DIEGO, CA 92192

EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/682,599	Applicant(s) HARRIS, SCOTT C.
	Examiner Ramy M Osman	Art Unit 2157

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☒ Claim(s) *7 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 September 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Specification

1.   The abstract of the disclosure is objected to because it uses unclear language and improper grammar. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title.

Correction is required. See MPEP § 608.01(b).

Drawings

2.   The drawings are objected to because they are unclear and not understandable. A

proposed drawing correction or corrected drawings are required in reply to the Office action to

avoid abandonment of the application. The objection to the drawings will not be held in

abeyance.

Claim Objections

3.   Claim 15 objected to because of the following informalities:

Change "win" to "when".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claim 7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant states a filtering instruction based on instructions to establish. Applicant should detail what the instructions to establish are establishing.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-16 are rejected under 35 U.S.C. 102(e) as being unpatentable over Riemers (U.S. Patent No. 6,615,242)

8.   In reference to claims 1,8 and 13, Riemers teaches an article, comprising:

A method and a machine readable medium which stores machine executable instructions (column 4 lines 27-45), the instructions causing a computer to:

Detect random information in a descriptor of an electronic communication (columns 1

lines 15-45, Riemers discloses reading part of a message, like the header, of an email);

Establish said electronic communication as being an undesired electronic communication

based on said detect of said random information (column 1 lines 15-45 and column 2 lines 20-45,

Riemers discloses marking said email as an undesired spam message);

9.   In reference to claims 2 and 10, Riemers teaches an article as in claim 1, wherein said

random information includes a plurality of random characters (column 3 lines 15-67, Riemers

discloses detecting random strings of characters).

10.   In reference to claims 3, Riemers teaches an article as in claim 1, wherein said random

information includes a plurality of random words (column 3 lines 15-67, column 4 lines 1-30,

Riemers discloses detecting a plurality of random words).

11.   In reference to claims 4 and 14, Riemers teaches an article as in claim 1, wherein said

detect random information comprises detecting specified words which include additional random

information associated therewith (column 3 lines 15-67, column 4 lines 1-30, Riemers discloses

detecting predefined words which contain random characters).

12.   In reference to claims 5,11 and 16, Riemers teaches an article as in claim 2, wherein said

detect random characters comprises comparing a content of said electronic communication to a

dictionary of words, and establishing parts within said electronic communication that are not

within said dictionary as being random characters (column 5 lines 20-35, Riemers discloses

comparing content of email with a third party clearinghouse of information (a dictionary,

database etc.)).

13.   In reference to claim 6, Riemers teaches an article as in claim 1, wherein said electronic communication is one of an e-mail or a web page (column 2 and column 3 lines 10-45, Riemers discloses wherein the electronic communication is an email or a web page).

14.   In reference to claim 7, Riemers teaches an article as in claim 1, further comprising an instruction to filter said electronic communication based on said instructions to establish (column 3 lines 55-67 and column 4 lines 1-67, Riemers discloses an instruction to filter the email).

15.   In reference to claim 9, Riemers teaches a method as in claim 8, wherein said filtering comprises restricting said electronic communication from reaching said user, when said detecting detects said random information within said electronic communication (column 2 lines 5-43 and column 5 lines 16-35, Riemers discloses restricting an email from reaching a user by deleting it after determining the email is a spam message).

16.   In reference to claim 12, Riemers teaches a method as in claim 8, further comprising defining rules which determine which electronic communications should be filtered, and detecting said electronic communications based on said rules (column 2 lines 5-43 and column 5 lines 16-35, Riemers discloses a mail transfer agent determining which email or web page to filter based on the invention).

17.   In reference to claim 15, Riemers teaches an article as in claim 13, wherein said establishing establishes the communication as one to be filtered when the content matches by 80-90% percent or more (column 3 lines 40-67, column 4 lines 1-67 and column 5 lines 1-40, Riemers discloses assigning a score to the content of an email and filtering the email when the score reaches a predetermined threshold which can be set to any value (including 80-90%)).

Conclusion

1.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Patent No. US006161130A

- Patent No. US006654787B1

- Patent No. US006421709B1

- Patent No. US006484197B1

- Patent No. US005619648A

- Patent No. US006393465B2

- Patent No. US006321267B1

- Patent No. US006650890B1

- Patent No. US005999932A

- Patent No. US006546416B1

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050.

The examiner can normally be reached on Monday through Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (703) 305-7562. The fax phone number for the

organization where this application or proceeding is assigned is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding

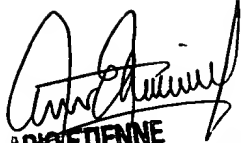should be directed to the receptionist whose telephone number is (703) 305-9600.

RMO
November 28, 2003

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100